



MAHONING COUNTY PROSECUTOR'S OFFICE ANNUAL REPORT

JANUARY 1 - DECEMBER 31, 2021



CONTENT

01.	Executive Team	3
02.	A Letter from Prosecutor Paul J. Gains	4
03.	Criminal Division	5-13
04.	Civil Division	14-16
05.	Office News and Initiatives	17
06.	Community Engagement and Events	18-19



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A MESSAGE FROM MAHONING COUNTY PROSECUTING ATTORNEY PAUL J. GAINS

Thank you for your interest in the Mahoning County Prosecutor's Office and for taking the time to read the inaugural edition of our Annual Report. The Mahoning County Prosecutor's Office is committed to protecting the community in which we work and live by ensuring that justice is administered fairly and within the bounds of the law. Also, we strive each year to advance the interests of the citizens and taxpayers of Mahoning County by providing sound legal representation to all Mahoning County elected officials and boards, including all fourteen townships. As a public office, it is important that data is available to the public regarding the work performed and duties fulfilled by our office each year. By sharing this data each year we will ensure transparency.

This year, the Criminal Division worked diligently to prosecute fairly those who violate our laws. 875 new criminal cases and matters were opened and 916 cases and matters were disposed of in 2021. Additionally, 18 jury trials and 2 bench trials were conducted. 16 of these cases resulted in guilty verdicts. In addition, our criminal prosecutions enabled us to seek the forfeiture of over \$40,000.00 derived from criminal acts or associations and further caused the collection of over \$100,000.00 in restitution paid to victims of crime.

The Mahoning County Prosecutor's Office also supports the belief that treatment is often a more productive option to punishment to achieve justice and provide safety to the citizens of our county. In an effort to achieve these goals, our office supports several Specialty Courts and provides Diversion Programs to help those who qualify for treatment in lieu of prosecution and conviction. These programs help those suffering from mental health and addiction disorders. In all, over 100 cases were transferred to specialty courts and diversion programs this year.

Our office also remains committed to protecting the rights of victims as recognized by the constitutional enactment of Marsy's Law. Our four victim coordinators make thousands of contacts with victims and witnesses of crime each year, helping them cope with everything from the loss of a loved one to documenting and applying for restitution. In 2021, we had 5,689 communications with victims, their families and witnesses.

The Civil Division continues to excel in our representation of Mahoning County elected officials and boards, including the trustees and fiscal officers of all fourteen townships. This year, the civil division handled 2,668 legal matters and reviewed/drafted/approved 1,129 contracts for our county and township clients. Our Delinquent Tax Department filed 535 foreclosure complaints on behalf of the Mahoning County Treasurer and Land Bank. Most notably, as a result of the advice and counsel of members of our staff, the Board of Commissioners and Township Trustees were able to distribute over \$20,000,000.00 in American Rescue Plan funds to local business and public entities.

The statistics provided in this letter demonstrate that the Mahoning County Prosecutor's Office is protecting and serving the citizens and taxpayers of Mahoning County. I look forward to serving this community in 2022.




CRIMINAL DIVISION

FELONY DIVISION

The Criminal Division is responsible for the prosecution of all serious adult offenders in the Mahoning County Common Pleas Court. In general, felony offenses are crimes that carry a potential prison sentence. Those crimes include high-value theft, possession of illicit drugs with a high potential for abuse, drug trafficking, domestic violence, robbery, burglary, rape, human trafficking, and murder. Except for murder (an "unclassified" felony), the seriousness of felony offenses is denoted by degrees. For example, a felony of the 1st degree is a more serious felony offense, while a felony of the 5th degree is less serious. More serious felony offenses carry the possibility of longer prison sentences.

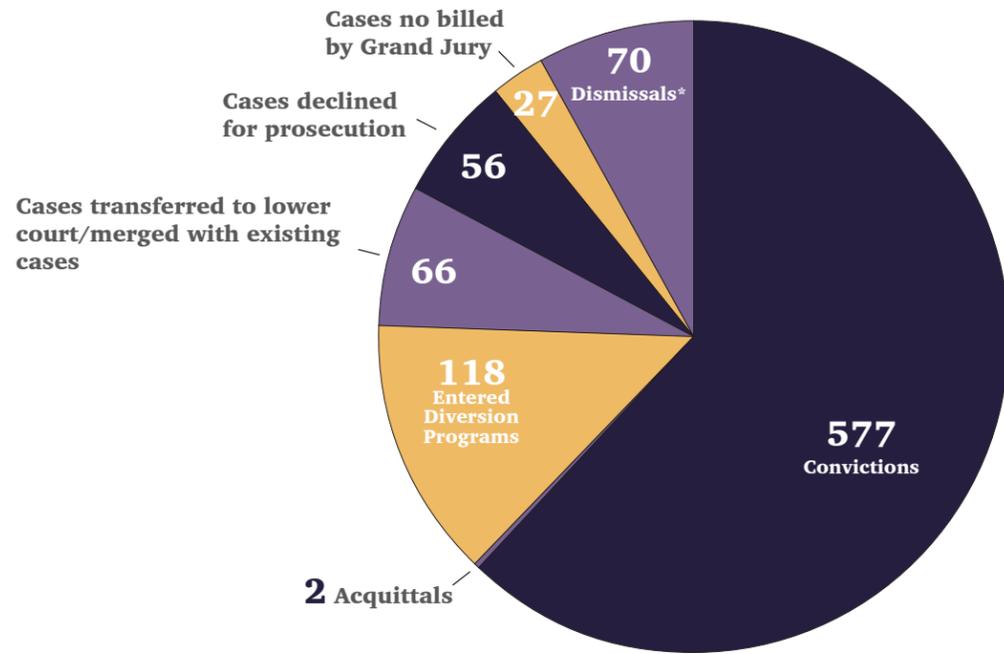
GRAND JURY

The Mahoning County Prosecutor's Office screens a large volume of cases that the office receives, including offenses that range from drug possession and theft to aggravated robbery and kidnapping. A majority of the cases received from law enforcement are reviewed by the Grand Jury Prosecutor who prepares the case for review by obtaining reports from law enforcement, securing video evidence, and requesting forensic laboratory reports. Requested records are uploaded into Matrix, our document management system, for use in discovery and case preparation.

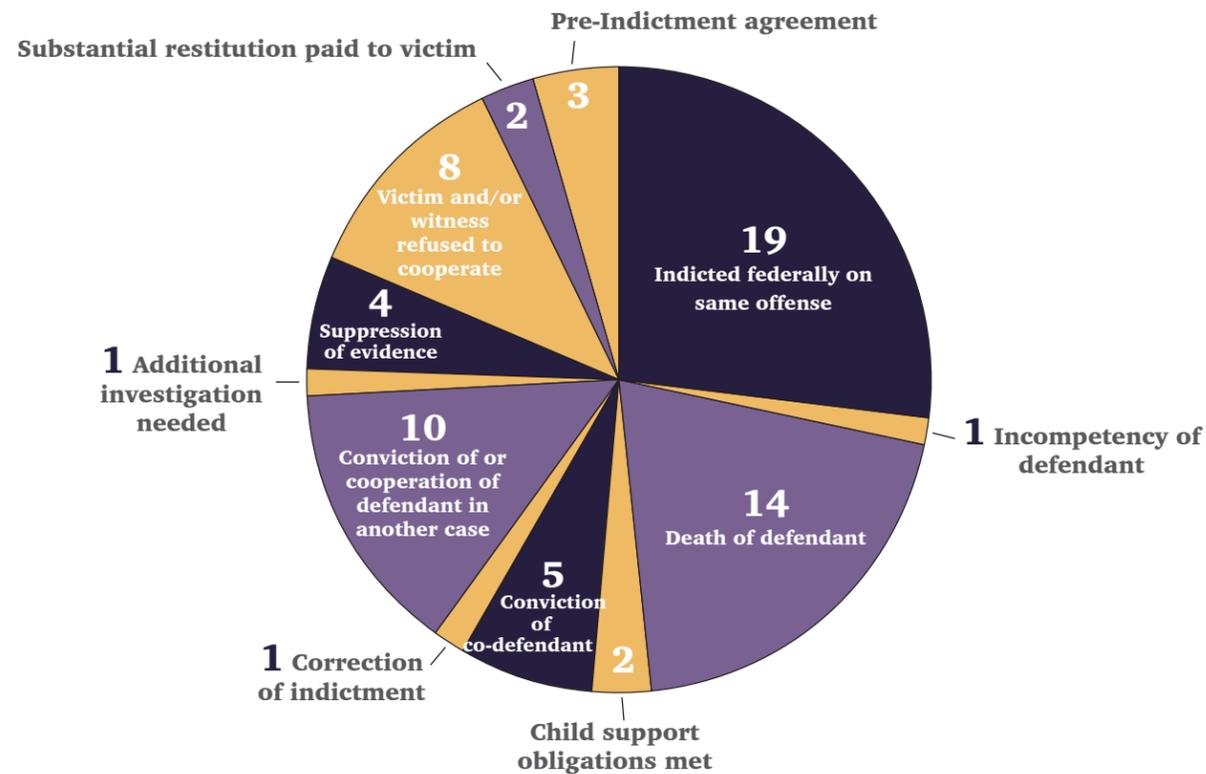
In 2021, Assistant Prosecutors:

- Presented **822** cases to the Grand Jury;
- Returned **795** true bills (indictments) and **27** no bills; and
- Questioned **345** witnesses during Grand Jury prosecutions.

In 2021, Criminal Assistant Prosecutors disposed of 916 cases:



*70 Dismissals:



VIOLENCE AGAINST WOMEN AND CHILDREN UNIT (VAWA)

The VAWA Unit is funded through a grant program administered by the Office of Criminal Justice Services. The purpose of this unit is to vertically prosecute crimes against women and children, including sexual assault, domestic violence, stalking, and dating violence. Through vertical prosecution, assistant prosecutors assigned to VAWA handle cases from start to finish by consulting with law enforcement during investigations, presenting cases to the Grand Jury, and appearing in court at pre-trial hearings, plea hearings, trials, and sentencing hearings. VAWA Prosecutors devote all of their professional time to this docket and are very knowledgeable about the unique challenges of such cases. VAWA often prosecutes crimes against victims who are reluctant to report sexual or physical abuse and are fearful of their abusers. Victims may be related to their abusers and many victims in these cases are children. In addition to assisting victims through the criminal justice process, VAWA Prosecutors present juries with medical and forensic evidence, correspond with social workers working with victims, and provide training for law enforcement regarding cases of sexual assault and domestic abuse.

In 2021, the VAWA Unit:

- Screened **114** cases;
- Presented **93** cases to the Grand Jury;
 - **85** cases were true billed (indicted);
 - **8** cases were no-billed (not indicted);
- Disposed of **68** cases; and
- Conducted **4** jury trials and **2** bench trials, all resulting in convictions.

All defendants convicted in the Mahoning County Courts enjoy an appeal of right to the Seventh District Court of Appeals. This includes all felony and misdemeanor convictions, as well as any juvenile who was adjudicated delinquent in the Juvenile Court. The Appellate Division's primary role is to represent the State of Ohio in those appellate cases and to seek affirmation of those criminal convictions or juvenile adjudications. Representation in such appeals include the filing of written briefs and/or memoranda, and often include the presentation of oral arguments to the Appellate Courts. The Appellate Division seeks affirmation of defendants' convictions and juveniles' adjudications to the fullest proper extent of the law. The Appellate Division is also responsible for all post-trial capital defendants. This includes responding to and prosecuting all direct appeals, post-conviction petitions, and clemency reviews before the Ohio Parole Board.

In 2021, the Appellate Division:

- Handled **59** appeals in the Seventh District and Ohio Supreme Court;
- Filed **53** merit briefs;
- Conducted **26** oral arguments; and
- Filed/responded to **19** post-conviction petitions and/or writs.

The Juvenile Division works to ensure that minors who violate the law are punished and rehabilitated. The cases handled within the Juvenile Division range from truancy and traffic to school threats to rape and other violent felonies. The goal in these cases is to protect Mahoning County from juvenile delinquency, while at the same time preventing the juvenile offenders from becoming the next generation of defendants in the adult criminal system.

In 2021, the Juvenile Division:

- Screened **210** cases; and
- Filed **198** delinquency complaints.

SPECIALIZED COURTS AND DIVERSIONARY PROGRAMS:

In Mahoning County, a variety of specialized treatment courts and diversionary programs are available, many of which are long-standing and highly successful. Our treatment courts include Drug Court, Veterans Court and Mental Health Court and provide specific types of help to those who are facing criminal charges. Our Diversionary Programs include Intervention in Lieu of Conviction and Theft Diversion. The diversionary programs give eligible low-level, non-violent offenders an opportunity to obtain a dismissal of the charge(s) after successfully completing all program requirements.

In 2021, **118** individuals entered diversionary programs.

MAHONING COUNTY COURTS:

Criminal Division prosecutors assigned to one of the four Mahoning County Courts prosecute misdemeanor and traffic offenses committed within Mahoning County, except for those offenses committed within the unincorporated territories of Mahoning County. The Mahoning County courts in Mahoning County include:

- Court No. 2 is located in Boardman Township and has jurisdiction over misdemeanors committed within Boardman Township.
- Court No. 3 is located in Sebring and has jurisdiction over misdemeanors committed within Smith, Ellsworth, Berlin, Green and Goshen Townships, the City of Sebring and the Villages of Beloit and Washingtonville.
- Court No. 4 is located in Austintown and has jurisdiction over misdemeanors committed within Austintown, Milton and Jackson Townships and the Village of Craig Beach.
- Court No. 5 is located in Canfield and has jurisdiction over misdemeanors committed within Canfield and Beaver Townships and the City of Canfield.

In 2021, the County Court Division:

- Processed **3,107** misdemeanor cases; and
- Processed **13,782** traffic cases

RESTITUTION:

Crime victims are entitled to restitution. A sentencing judge may order a convicted offender to pay for financial losses stemming from the crime. In 2021, our criminal prosecutions enabled the collection of over **\$100,000** in restitution paid to victims.

FORFEITURES:

Under R.C. 2981.02(A), three categories of property are subject to forfeiture: (1) contraband involved in an offense; (2) proceeds derived from or acquired through the commission of an offense; and (3) an instrumentality used in or intended to be used in any felony or, when specifically authorized by statute or ordinance, in a misdemeanor when the use is sufficient to warrant forfeiture. If property becomes subject to forfeiture under one of the scenarios referenced above, the proceeds are divided between law enforcement officials who participated in the criminal investigation and the prosecutor's office for prosecuting the case.

In 2021, our criminal prosecutions enabled us to seek the forfeiture of over **\$40,000** derived from criminal acts or associations.

VICTIM/WITNESS SERVICES

The Victim/Witness Services Division is a section of the Mahoning County Prosecutor's Office. This Division is comprised of victim/witness coordinators who serve victims and witnesses in the criminal and juvenile divisions. Each coordinator provides information and support to crime victims and witnesses as their cases proceed through the judicial process. The goal of this Division is to help victims and witnesses understand their rights and responsibilities so that they can make intelligent choices about what is best for them.

In 2021, Victim/Witness coordinators:

- Had **5,689** communications with victims and witnesses of crime;
- Sent out **5,567** notifications of criminal justice events;
- Made **774** referrals to other victim services programs;
- Had **1,103** communications regarding restitution assistance; and
- Had **2,941** communications regarding victim impact statements.



NOTABLE CRIMINAL CASES

State of Ohio v. Robert Boyd

Robert Boyd was sentenced to 24 ½ years in prison after a jury found him guilty of two counts of Rape, one count of Gross Sexual Imposition, two counts of disseminating Matter Harmful to Juveniles and nine counts of Illegal Use of Minors in Nudity Oriented Material or Performance.



State of Ohio v. Michael Malvasi, II

Michael Malvasi was sentenced to a total of 12 years in prison for the 2017 death of Ryan Lanzo. After a five day trial, a jury found Malvasi guilty of Aggravated Vehicular Homicide, Vehicular Homicide, two counts of Leaving the Scene of an Accident, Tampering with Evidence and Operating a Vehicle while Intoxicated.



State of Ohio v. Anthony Consiglio

Anthony Consiglio was sentenced to an indefinite term of 19 ½ to 25 years in prison for Rape, Attempted Rape, Aggravated Robbery, Robbery, Theft from a Person in a Protected Class, Domestic Violence and Assault on a Police Officer. Consiglio was convicted after a trial to the Court in which evidence was presented that he sexually assaulted his 79 year old relative and stole her cell phone, house phone and cash.



State of Ohio v. Francis Rydarowicz

Francis Rydarowicz was sentenced to a term of life imprisonment with the possibility of parole after 15 years for the murder of his wife, Katherine Rydarowicz. Defendant was convicted after a five day jury trial of two counts of Murder as well as counts of Felonious Assault and Domestic Violence.



State of Ohio v. Traeshaun Turner

Traeshaun Turner was sentenced to a term of life imprisonment with parole eligibility after 25 years after being convicted of Murder, Attempted Murder, Felonious Assault and Having Weapons While Under Disability. Defendant was convicted after a four-day jury trial in which the jury heard testimony that Defendant shot and killed Ishmael Bethel outside the Southern Tavern in Youngstown and also wounded a juvenile. Defendant testified that he acted in self-defense, however, the jury ultimately rejected this defense finding Defendant guilty of all charges.



PAROLE WATCH



State of Ohio v. Guillaume Chism

Inmate No: A216683

On September 22, 1988, Guillaume Chism along with Clinton Perdue, Gary Austin, and Ira Bray, entered an apartment in the Kimmel Brook housing project in Youngstown, Ohio, where they robbed three men at gunpoint, then shot all three. Two men died, while the third, Keith Crenshaw, survived after being shot in the face by Chism. In Mahoning County Common Pleas Case No. 88 CR 574, Chism and Co-Defendants Perdue, Austin, and Bray were indicted for four counts of Aggravated Murder, two

counts of Aggravated Robbery, and two counts of Attempted Aggravated Murder, all with attached Firearm Specifications.

Chism proceeded to a Jury Trial where he was found guilty of two counts of Aggravated Robbery with a Firearm Specification and one count of Attempted Aggravated Murder with a Firearm Specification and was sentenced to a term of 10 to 25 years in the penitentiary for each count of Aggravated Robbery and 7 to 25 years in the penitentiary for Attempted Aggravated Murder. While the Appellate Court merged Chism's Firearm Specifications on the Aggravated Robbery counts, it allowed these charges to run consecutively to the Firearm Specification on the Attempted Aggravated Murder charge for a total of 6 years. Chism arrived at the Ohio Department of Rehabilitation and Correction (ODRC) on December 8, 1989, and has remained incarcerated since that date. Co-Defendants Perdue and Bray are both still incarcerated for their roles in this attack.

Chism's parole request was denied after a full board hearing.

CIVIL DIVISION

The Civil Division serves as Mahoning County's in-house law firm, providing legal services to all of the following:

- All Mahoning County elected officials (including all judges, the Commissioners, the Recorder, the Auditor, the Treasurer, the Engineer, the Sheriff, the Coroner, and the Clerk of Courts);
- All Mahoning County offices (including, but not limited to, Solid Waste, Soil and Water, Dog Warden, Sanitary Engineer, Tax Map, the Building Department, Mahoning County Department of Jobs and Family Services, and Mahoning County Child Enforcement Agency);
- All Mahoning County Boards and Commissions (including, but not limited to, the District Board of Health, the Board of Elections, the Budget Commission, the Children Services Board, the Planning Commission, the Mahoning County Board of Developmental Disabilities, the Mental Health and Recovery Board, and the Mahoning County Law Library Resources Board);
- Boards of Township Trustees, Fiscal Officers and Police, Fire, Zoning and Road Departments in all fourteen townships in Mahoning County; and
- Mahoning County Children Services in abuse, neglect and dependency actions filed in Juvenile Court.

In 2021, the Civil Division Prosecutors:

- Drafted and/or reviewed **1,129** contracts;
- Handled **2,668** legal matters, including, but not limited, to the provision of advice and counsel to clients, drafting legal opinions, filing foreclosure complaints and representing Mahoning County and Township officials in litigation and other matters; and
- Attended **651** hearings on matters involving the abuse, neglect or dependency of children in Juvenile Court.

DELINQUENT TAX DIVISION

The Civil Division also represents the Mahoning County Treasurer in delinquent tax collection. In 2021, **535** foreclosures were initiated to collect delinquent real property taxes and over **1.5 million dollars** were collected on behalf of the Mahoning County Treasurer's Office. Monies derived from real property taxes support the taxing subdivisions of Mahoning County, primarily local schools but also parks, senior services and other Mahoning County operations. In addition, **230** parcels were transferred to the Land Banks servicing properties in Mahoning County and its municipalities. In general, Land Banks are a tool designed to help local governments return vacant, abandoned and/or tax-delinquent properties within their jurisdiction into productive use. Additionally, our office handled **86** bank foreclosures and **12** probate land sales in which the Mahoning County Treasurer may be owed delinquent taxes.



NOTABLE CIVIL MATTERS

C.A.R.E.S. Act: During 2020 and 2021, our Civil Division Prosecutors provided guidance on more than 160 requests for legal assistance and played a vital role in the administration of nearly \$27 million of federal aid. In particular, our office worked with the Board of Mahoning County Commissioners to expend nearly \$14 million and with our 14 Boards of Township Trustees to expend \$13 million of federal aid awarded through the C.A.R.E.S. Act. With the help of our staff, local county government officials were able to utilize these federal funds to benefit local small businesses, community organizations and residents.

American Rescue Plan: Our Civil Division Prosecutors provided similar guidance to the County Commissioners and Mahoning County Boards of Township Trustees on their respective expenditures of federal funding provided under the American Rescue Plan (ARP). In 2021, our office advised the Commissioners on contracts involving over \$20 million in ARP allocations, including;

- \$1,000,000.00 to the ABC Water District for the construction of a new storm water park on the former Market Street Elementary School property;
- \$500,000.00 to the Y.N.D.C. for emergency home repairs throughout Mahoning County;
- \$3,000,000.00 to Valley Partners to assist small businesses and non-profit agencies with the challenges posed by the COVID-19 pandemic;
- \$2,000,000.00 to the Mahoning County Community Improvement Corporation (CIC) for projects in Campbell, Struthers and elsewhere in the county; and
- \$250,000.00 for the Mahoning County Continuum of Care to further the assistance in housing the homeless.

Fraudulent Unemployment Compensation Claims: Unemployment claims throughout Ohio continued to rise throughout 2021. According to the U.S. Department of Labor, an estimated \$63 billion has been paid out in fraudulent unemployment benefits. Due to the implementation of policies and procedures designed to report fraud suffered by its employees, at the time of this publishing Mahoning County has paid less than \$5,000 in fraudulent unemployment claims. Our Civil Division Prosecutors, with the assistance of the Mahoning County Auditor's Office, the Mahoning County Sheriff's Office and other law enforcement offices, developed a reporting protocol that helped stop more than 70 fraudulent claims from being processed.

Campus of Care: During 2020 and 2021, our Civil Division Prosecutors provided all legal services to the County Commissioners on the transformation of the abandoned Youngstown Development Center into the Campus of Care; a one of a kind wrap-around service center for persons and families in need of mental health or other services. Some of the services provided by the Civil Division on this project included drafting and negotiating a purchase agreement and other documents to facilitate the transfer of the property from the State of Ohio; drafting a Memoranda of Understanding; and drafting lease agreements and development agreements with tenants and other agencies vital to the project's success. The facility currently houses agencies that provide skills, training and support services for children and adults who have special needs.

OFFICE NEWS AND INITIATIVES

2021 brought change to the Mahoning County Prosecutor's Office. This year:

1) Several long time staff members received promotions:

- Gina DeGenova - Chief Assistant Prosecutor and Public Information Officer;
- Jennifer McLaughlin - Chief of the Criminal Division;
- Ralph Rivera - Assistant Chief of the Criminal Division;
- Rob Andrews - Senior Trial Counsel; and
- Michael Yacovone - Grand Jury Prosecutor.

2) Our *office website* was updated and can be found at: **prosecutor.mahoningcountyoh.gov**.

3) **Social media platforms** were created on Facebook (Mahoning County Prosecutor's Office) and Twitter (MahoningCoPros).

4) A newsletter titled, **Justice Journal**, was created and published quarterly. Each newsletter contains information on a variety of topics including achievements of the criminal and civil divisions, notable prosecutions and fraud alerts. Copies of past newsletters can be found on our website.

5) A **Speakers Bureau** was initiated offering local law enforcement agencies, neighborhood organizations, educational institutions, faith-based groups, and clubs or organizations the opportunity to request a speaker for a meeting or gathering. The service is free and encompasses a wide range of topics like bullying, teen sexting, elder fraud, animal abuse, drugs and narcotics, and many more. More information about the Speaker's Bureau can be found on our website.

6) The **Mahoning County Special Needs Registry** was created by this Office, in collaboration with the Mahoning County Sheriff and the Board of Mahoning County Commissioners. This registry is a free and voluntary service open to all citizens with special needs or cognitive disorders who reside in Mahoning County. This registry is designed to help police officers and other first responders better assist residents with special needs in the event of an emergency by providing those responders with vital information regarding a registrant's special needs, emergency contact information, physical description and current photograph. More information about this registry can be found on our website.

7) In recognition of Domestic Violence Awareness Month, this office sponsored a donation drive whereby members of the public donated over 4,000 items and over \$1,000 dollars in cash and gift cards. South Range School's Key Club was instrumental in making this project a success. These items were ultimately donated to the Sojourner House Domestic Violence Program.

COMMUNITY ENGAGEMENT AND EVENTS





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